

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
SW/Corner North Point Boulevard and
New Battle Grove Road * ZONING COMMISSIONER
(4101 North Point Boulevard)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Robert Zampini * Case No. 99-104-X
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the subject property, Robert Zampini. The Petitioner requests a special exception to permit the sale of used automobiles on the subject site, in addition to the existing uses, including the sale of new auto parts and a service bay. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Robert Zampini, property owner, and Carl Hobson. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.475 acres, more or less, zoned B.R.-A.S., and is improved with a one-story building and addition thereto which is used by the Petitioner in his operation of an automotive parts manufacturing, sales and service business. The B.R. zoning classification obviously permits business uses and the A.S. overlay district (automobile service) encourages automotive service-related businesses. In fact, the property is so used and has been used for many years. Testimony and evidence offered demonstrated that the site has been used as an automotive parts and machine shop for approximately 28 years. Presently, Mr. Zampini manufactures and sells automobile parts and repairs vehicles on the site. Specifically, Mr. Zampini does a significant volume of repair work for automobile dealers in the area. This includes heavy-duty repair of

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Date 12/23/98
By [Signature]

transmissions and engine work. Apparently, the Petitioner acquires cars as part of his repair/manufacturing business and wants to sell these vehicles as an accessory part of the underlying business. Thus, the Petitioner requests a special exception to permit the sale of used automobiles on the site. As shown on the site plan, nine parking spaces are dedicated for the display of cars along that portion of the site which abuts North Point Boulevard.

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested. The proposed special exception use (i.e., the sale of used automobiles) is entirely appropriate and consistent with the existing automobile parts sales/manufacture/service business. Moreover, the proposed and existing uses are consistent with the zoning of the property and the surrounding locale. In my judgment, the relief requested will not be detrimental to the health, safety and general welfare of the locale. In sum, I find that the Petitioner has satisfied the requirements of Section 502.1 of the B.C.Z.R. However, in so approving, I will attach conditions thereto, as requested by the Office of Planning, and apparently agreed to by the Petitioner.

Specifically, the Petitioner has agreed to install a certain amount of landscaping to improve the visual appearance of the property, and to install a fence on that portion of the site which abuts the residential property owned by Ferdinand Kramer. In this regard, it need be recognized that the intensive use of the site and unusual configuration of the property makes landscaping difficult. However, consistent with the use of the property and character of the surrounding locale, the Petitioner should submit a landscape plan to the Office of Planning for review and approval by the County's Landscape Architect, Mr. Avery Harden. Said plan should require such improvements as are practical and appropriate, particularly for that portion of the site which abuts the adjacent residential property.

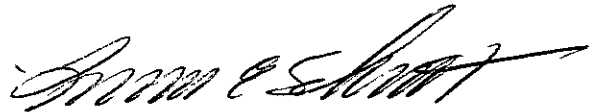
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the special exception shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of December, 1998 that the Petition for Special Exception to permit the sale of used automobiles on the subject site, in addition to the existing uses, including the sale of new

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Date 12/23/98
By [Signature]

auto parts and a service bay, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall submit a landscape plan to the Office of Planning for review and approval by Mr. Avery Harden, the Landscape Architect for Baltimore County.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 12/23/98
By [Signature]



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

4101 NORTH POINT BLVD

which is presently zoned

BR-AS

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

THE SALE OF USED AUTOMOBILES IN ADDITION TO THE EXISTING USES (SALE OF NEW AUTO PARTS & SERVICE BAY)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

Robert Zampini

(Type or Print Name)

Signature

(Type or Print Name)

Signature

4101 NORTH POINT BLVD 410-477-9035

Address

Phone No

BALTO.

City

MD

State

21222

Zipcode

Name, Address and phone number of representative to be contacted

GEORGE MCCLELLAND

Name

25 WATERVIEW RD

Address

410-477-9136

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: BK

DATE 9/8/98

#104

99-104-X

ORDER RECEIVED FOR FILING

Date

By

Revised 9/5/95



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

December 23, 1998

Mr. Robert Zampini
4101 North Point Boulevard
Baltimore, Maryland 21222

RE: PETITION FOR SPECIAL EXCEPTION
SW/Corner North Point Boulevard and New Battle Grove Road
(4101 North Point Boulevard)
15th Election District – 5th Councilmanic District
Robert Zampini - Petitioner
Case No. 99-104-X

Dear Mr. Zampini:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

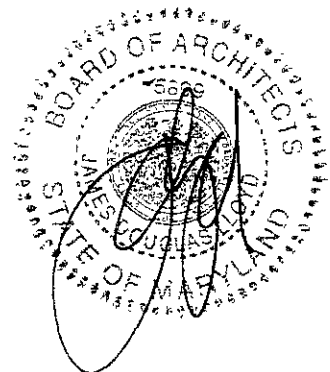
cc: Mr. George McClelland
25 Waterview Road, Baltimore, Md. 21222

People's Counsel; Case File



Zoning Description for
4101 North Point Boulevard
Baltimore, Maryland 21222

Beginning at a point on the southwest side of North Point Boulevard, which is 150 feet wide, and the southeast side of New Battle Grove Road, which is 50 feet wide where it intersects North Point Boulevard. Thence the following courses and distances: binding on the southeast side of New Battle Grove Road, westerly along a curve to the left with a radius of 30 feet, for a distance of 66.5 feet; S 23 deg. 43 min. 20 sec. W, 127.70 feet; S29 deg. 13 min. 40 sec. E, 86.8 feet; N 60 deg. 46 min. 20 sec. E, 150.00 feet; binding on North Point Boulevard N 29 deg. 13 min. 40 sec. W, 139.30 feet to the point of beginning. As recorded in Deed Liber 5507, Folio 361. Containing 20,691 square feet, and located in the 15th election district.



99-104-X

#104

BALTIMORE COUNTY, MARY ID
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 054714

DATE 9/8/98 ACCOUNT R001-6150
AMOUNT \$ 300.00

RECEIVED FROM: George McClelland

FOR: USC Special Acceptation

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 104

PAID RECEIPT

PROCESS ACTUAL TIME
9/09/1998 9/08/1998 15:27:15
REG 4005 CASHIER LHM LWS DMMET 5
5 MISCELLANEOUS CASH RECEIPT
Receipt # 974448
CR NO. 054714

300.00 CASH
Baltimore County, Maryland

99-104-X

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-104-X
4101 North Point Boulevard
SW/S North Point Boulevard
and SE/S New Battle Grove
Road
15th Election District
5th Councilmanic District
Legal Owner(s): Robert
Zampini

Special Exception: for the
sale of used automobiles, in
addition to the existing uses
(sale of new auto parts and
service bay).

Hearing: Monday, October
26, 1998 at 10:00 a.m., in
Room 407, County Courts
Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.

(2) For information concern-
ing the File and/or Hearing,
Please Call (410) 887-3391.

10/158 Oct. 8 C264495

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/9, 1998

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 10/8, 1998.

THE JEFFERSONIAN,

A. Henderson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case # 99-104-X
Petitioner/Developer:
(Robert Zampini)
Date of Hearing/Closing:
(Oct. 26, 1998)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____

4101 North Point Road Baltimore, Maryland 21222 _____

The sign(s) were posted on _____ Oct. 9, 1998 _____
(Month, Day, Year)

Sincerely,

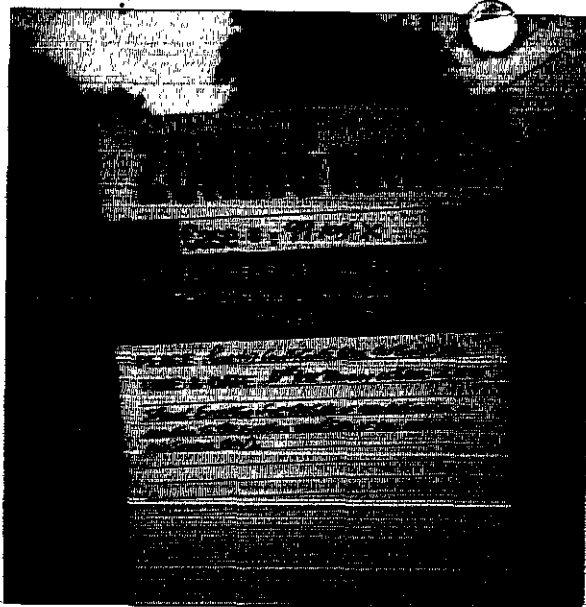

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 25, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-104-X
4101 North Point Boulevard
SW/S North Point Boulevard and SE/S New Battle Grove Road
15th Election District - 5th Councilmanic District
Legal Owner: Robert Zampini

Special Exception for the sale of used automobiles, in addition to the existing uses (sale of new auto parts and service bay).

HEARING: Monday, October 26, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with a circled "sc" or similar initials below it.

Arnold Jablon
Director

c: Robert Zampini
George McClelland

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 11, 1998.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
October 8, 1998 Issue - Jeffersonian

Please forward billing to:

Robert Zampini 410-477-9035
4101 North Point Boulevard
Baltimore, MD 21222


NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-104-X
4101 North Point Boulevard
SW/S North Point Boulevard and SE/S New Battle Grove Road
15th Election District - 5th Councilmanic District
Legal Owner: Robert Zampini

Special Exception for the sale of used automobiles, in addition to the existing uses (sale of new auto parts and service bay).

HEARING: Monday, October 26, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

54

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 104
Petitioner: Robert Zampini
Address or Location: 4101 North Point Blvd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert Zampini
Address: 4101 North Point Blvd.
Baltimore, MD 21222
Telephone Number: 410 - 477 - 9035

Revised 2/20/98 - SCJ

99-104-X
#104

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-104-X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Petition for a Special Exception to sell used
automobiles in addition to the existing uses - sale of
new auto parts and a service garage.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

RE: PETITION FOR SPECIAL EXCEPTION
4101 North Point Boulevard, SW/S North Pt Blvd
and SE/S New Battle Grove Rd, 15th Election
District, 5th Councilmanic

Legal Owners: Robert Zampini

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-104-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of October, 1998, a copy of the foregoing Entry of Appearance was mailed to George McClelland, , 25 Waterview Road, Baltimore, MD 21222, representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

INTEROFFICE CORRESPONDENCE

Date: September 30, 1998

SUBJECT: Zoning Advisory Committee Meeting
for September 28, 1998
Item No. 104

cc: File

265 10/26
99-104
5X

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: October 5, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 4101 North Point Boulevard

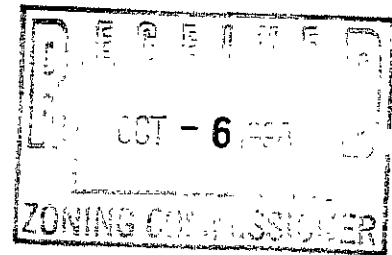
INFORMATION:

Item Number: 104

Petitioner: Robert Zampini

Zoning: BR-AS

Requested Action: Special Exception



SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, it appears that the proposed use would be appropriate at the subject location. The staff recommends the following conditions should the applicant's request be granted:

- 1) The existing fence should be replaced with a board-on-board fence;
- 2) The parking lot should be repaved prior to striping;
- 3) The site should be improved with street trees or other appropriate planting in the grass strip along North Point Boulevard (please note that Avery Harden has agreed to provide a simple landscape sketch to the petitioner); and
- 4) A sign detail should be submitted to the Office of Planning for review and approval prior to the issuance of a permit if a sign is to be erected on site.

Section Chief:

Jeffrey W. Long

AFK/JL:

Date: September 28, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS/JS*

SUBJECT: Zoning Item #104

Zampini Property - 4101 North Point Blvd.

Zoning Advisory Committee Meeting of September 21, 1998

----- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

----- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

----- Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

----- Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 9.22.98

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 104 BR

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

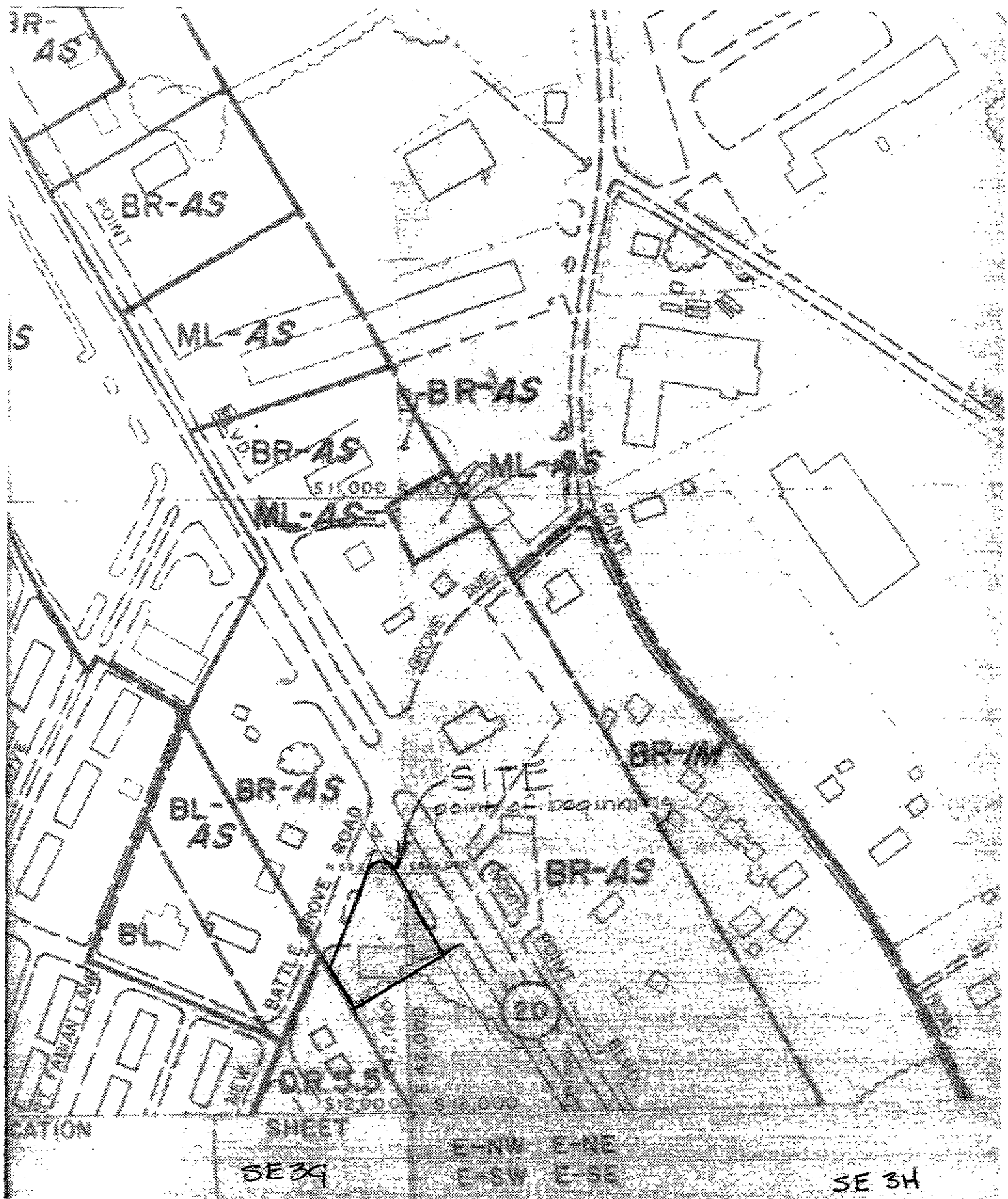
NAME

Robert Zampini
Carl Holson

ADDRESS

4101 North 3rd Street Blue O 2022
1718 Burnham Rd. 21222





99-104-X

#104

